

COUNTY OF PLACER
Community Development/Resource Agency

Michael J. Johnson, AICP
Agency Director

**PLANNING SERVICES
DIVISION**

Paul Thompson
Deputy Director of Planning

HEARING DATE: May 12, 2011
TIME: 10:05 a.m.
ITEM NO.: 1

TO: Placer County Planning Commission

FROM: Development Review Committee

SUBJECT: Conditional Use Permit Modification(PCPM 20110041/CUP 2487)
Freedom Field Ultralight Park
Categorical Exemption

GENERAL PLAN AREA: Placer County

PLAN DESIGNATION: Agriculture/Timberland 80-acre minimum

ZONING: F-B-X-80 acre min (Farm, with an 80-acre minimum lot size)

STAFF PLANNER: Lisa Carnahan, Associate Planner

LOCATION: The project is located at 9400 and 9500 Baseline Road in the southwestern portion of Placer County.

APPLICANT: Raymond Mello, on behalf of L.W.P., Inc.

PROPOSAL: The applicant requests approval of a Conditional Use Permit (CUP) Modification to remove a 10-year review requirement, and allow Freedom Field Ultralight Recreational Park to continue operations without the need to return to the Planning Commission for periodic review. In addition, the applicant requests to extend the approval period for the construction of the second airport hangar until 2021.

CEQA COMPLIANCE:

A Mitigated Negative Declaration was prepared for the original project, and was adopted at the January 13, 2000 Planning Commission hearing. No new impacts are associated with the proposed modification; therefore a Categorical Exemption, CEQA Guidelines, Section 15301, Class 1, Existing Facilities is requested.

PUBLIC NOTICES AND REFERRAL FOR COMMENTS:

Public notices were mailed to property owners of record within 300 feet of the project site. Other appropriate public agencies, interest groups, and citizens were sent copies of the public hearing notice. Community Development Resource Agency staff and the Departments of Engineering and Surveying, Public Works, Environmental Health, and the Air Pollution Control District were transmitted copies of the project plans and application for review and comment. Comments received from County staff have been addressed in the analysis section of this report.

SITE CHARACTERISTICS:

The project site is located on Baseline Road, approximately ½ mile west of Brewer Road. The site is level and covered in pasture grasses and contains no trees. The applicant (who is also the owner of the property) completed construction of the first approximately 28' x 500' ultralight hangar in 2001. There are two existing grass runways, as well as parking for club members. Subsequent to the approval of the Freedom Field Ultralight Recreational Park in January of 2000, the owner constructed a residence on the adjacent parcel (017-130-066) and was given final approval by the County in June of 2007.

EXISTING LAND USE AND ZONING:

Location	Zoning	Existing Conditions and Improvements
Site	F-B-X-80 ac. min.	Ultralight airport
North	F-B-X-80 ac. min.	Water Ski Park
South	RA-B-X-DR-10	Residential
East	F-B-X-80 ac. min.	Ag/ Open Space
West	F-B-X-80 ac. min.	Open Space/Outdoor vehicle storage area

BACKGROUND:

On January 13, 2000 the Planning Commission approved CUP- 2487 for the construction and operation of the Freedom Field Ultralight Recreational Park. As a result of a complaint from a neighbor, the approval came with the condition that the operation be reviewed for compatibility with adjacent uses within ten years of the CUP being exercised. Since the permit was exercised on July 25, 2001 with final approval of the building permit for the hangar, it was necessary for the owner to return to the Planning Commission by July 25, 2011.

Freedom Field is a private club which is limited to no more than 40 members. Currently, there are 20 members, and use of the airstrip is limited to members only. Airfield access is gated and closes at sunset, with gate access for membership via remote control. Members are expected to comply with all rules and regulations of the airfield. (Attachment E) According to the applicant, there is a yearly average of five members per week, with a mostly seasonal use. Hours of operation are 8:00 a.m. to sunset daily.

PROJECT DESCRIPTION:

The owner has submitted a request to modify the Use Permit to remove the condition of approval requiring a periodic ten-year review and allow the use of the Freedom Field Ultralight Recreational Park to continue without the need to return to the Planning

Commission for review in the future. The original Use Permit was approved as a phased project, and stipulated that the second hangar was to be constructed by 2005. To date, economic conditions have not warranted the construction of the second hangar. With this modification, the applicant is requesting approval to extend the construction of the second hangar to 2021.

DISCUSSION OF ISSUES:

Land Use Consistency/Compatibility with Adjacent Uses

The existing use of the project site as an ultralight airfield is consistent with the Farm zoning of the site, the open space/agricultural setting and the surrounding community area, which contains very little residential housing.

The owner submitted additional information with the current request which stated that there have been no accidents or injuries during the last ten years, and that nothing at the airport has changed during that time period. Additionally, there have been no known complaints from neighbors to the Placer County Code Enforcement Division in the past ten years.

Noise

An Environmental Noise Analysis was conducted by Bollard & Brennan, Inc. as part of the required information for the initial environmental review conducted in 2000. They found that the noise generated by the ultralight operations was predicted to comply with the Placer County noise level standards at all noise-sensitive receptors within the vicinity of the project. The take-off and landing strips for the ultralights have been set up in such a way that it is not necessary for them to fly over the top of any of the residences on adjoining properties. According to the owner, if the winds are less than five miles per hour (mph), pilots take off to the north, over the ponds and agricultural fields. If the winds are more than five mph, the take-off and landing patterns are as depicted in Attachment C; however, the owner has indicated that most pilots do not fly when the winds are over five mph. The prevailing winds are from the south.

RECOMMENDATION:

The Development Review Committee recommends that the Planning Commission **approve** this Conditional Use Permit Modification (PCPM-20110041), subject to the following findings and attached modified conditions of approval.

FINDINGS:

CEQA:

This modification to the Freedom Field Ultralight Recreational Park Project (PCPM 20110041) has been determined to be Categorical Exempt by the Planning Commission per Section 18.36.030, Class 1 – Existing Facilities of the Placer County Environmental Review Ordinance, (CEQA Guidelines, Section 15301).

CONDITIONAL USE PERMIT MODIFICATION:

Having considered the staff report, supporting documents and public testimony, the Planning Commission hereby finds that:

1. The proposed modification is consistent with all applicable provisions of the Placer County Code, Chapter 17, and any applicable provisions of other chapters of this code.
2. The proposed modification is consistent with applicable policies and requirements of the Placer County General Plan.
3. The continued operation of the existing ultralight airfield will not, under the circumstances of the particular case, be detrimental to the health, safety, peace, comfort and general welfare of people residing or working in the neighborhood of the airfield, nor will it be detrimental or injurious to property or improvements in the neighborhood or to the general welfare of the County because no new or increased impacts will occur as a result of the continued use of the airfield.
4. The continued use of the property for an ultralight airfield will be consistent with the character of the immediate neighborhood and will not be contrary to its orderly development.
5. The ultralight airfield will not generate a volume of traffic beyond the design capacity of all roads providing access to the project.

Respectfully submitted,



Lisa Carnahan, Chairperson
Development Review Committee

ATTACHMENTS:

Attachment A – Aerial of Airfield

Attachment B - Site Plan

Attachment C – Flight patterns When Winds Over 5 mph

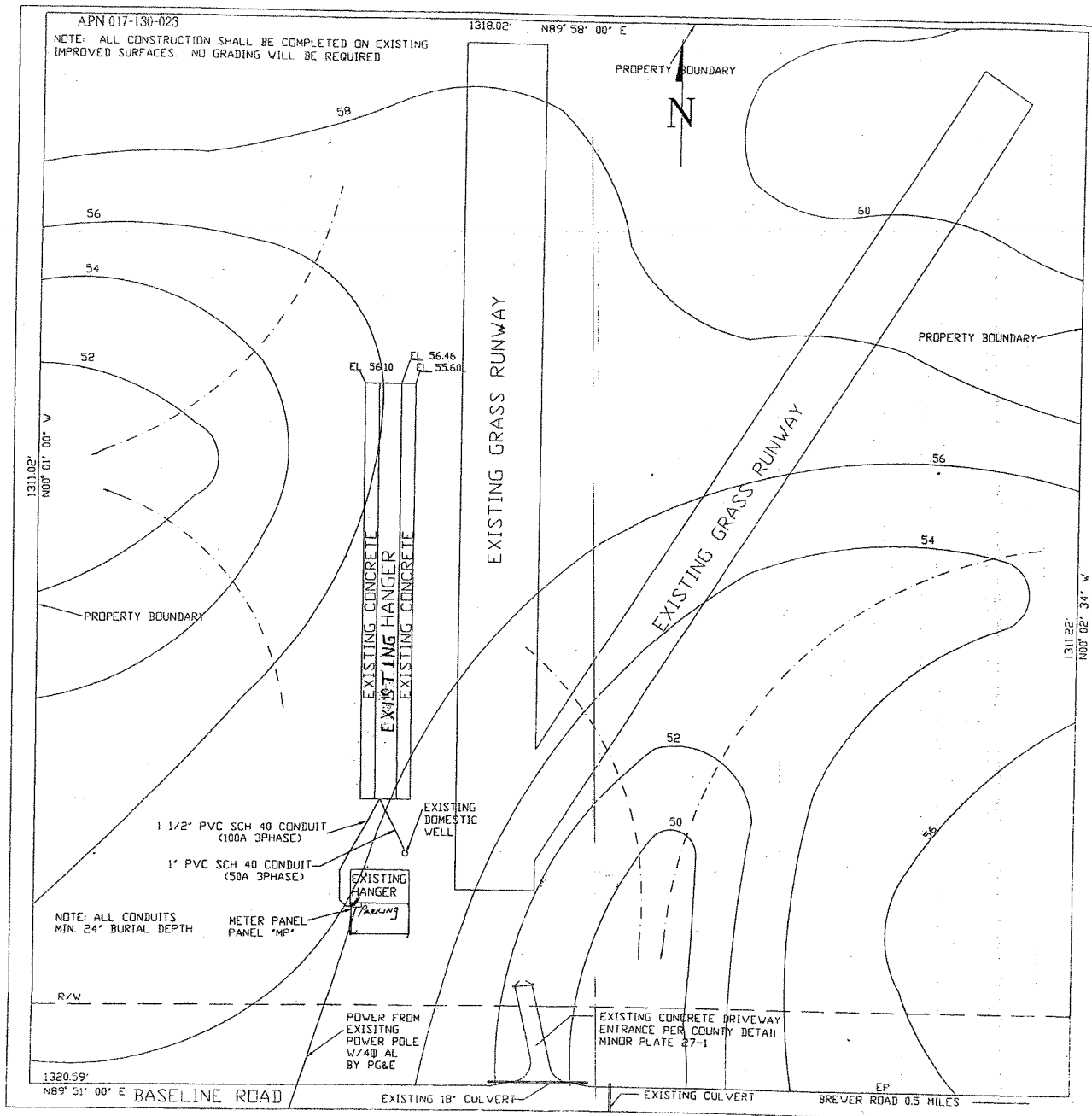
Attachment D – Recommended Revised Conditions of Approval

Attachment E - Airfield Rules and Regulations

cc: Michael Johnson - Agency Director
Paul Thompson - Deputy Planning Director
Scott Finley - County Counsel's Office
Lisa Carnahan - Associate Planner
Sarah Gillmore - Engineering and Surveying Department
Paul Holloway - Environmental Health Services
Angel Rinker - APCD
Ray Mello – Applicant/Owner

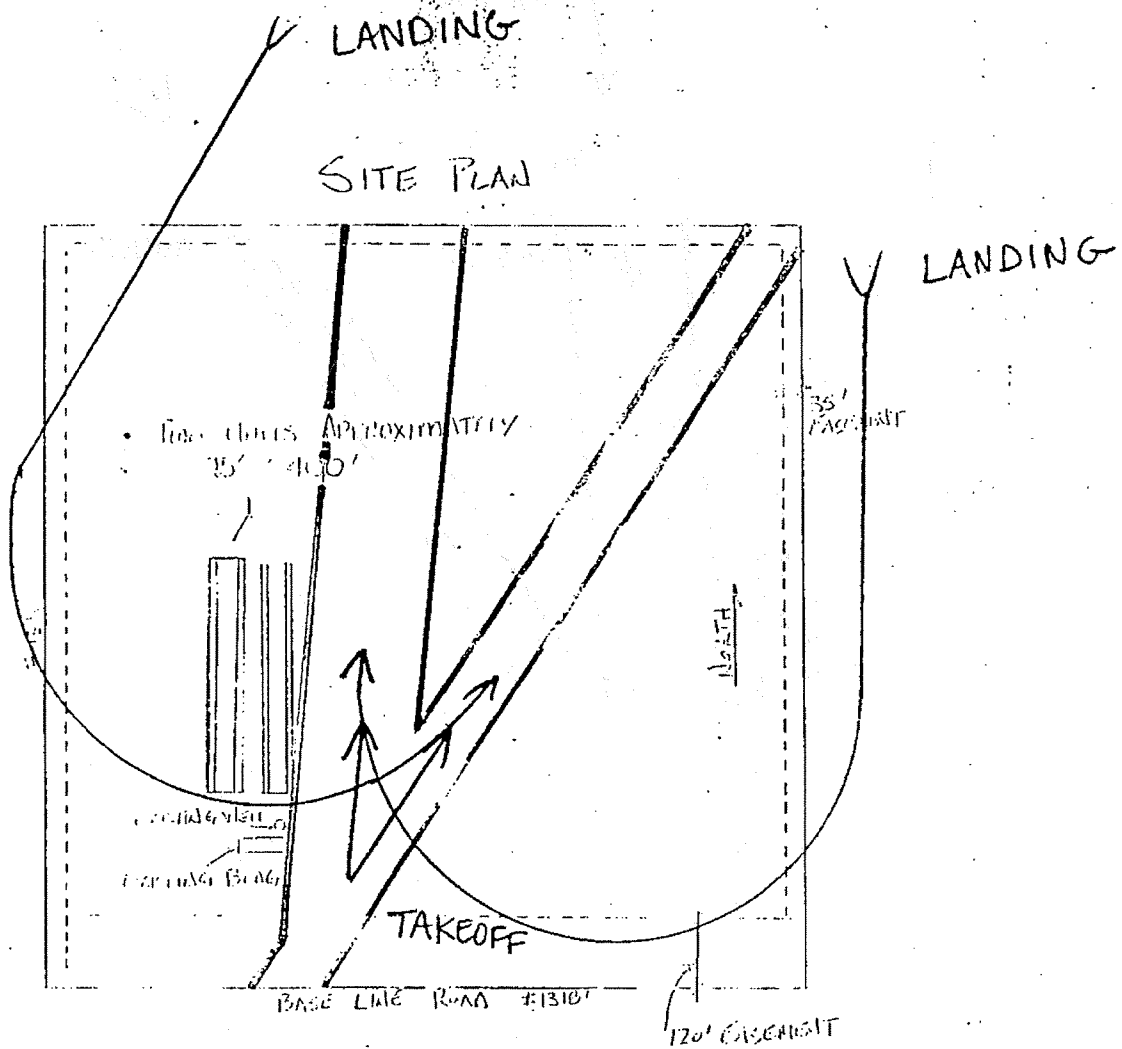


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SCALE 1" = 60'	PROJECT Jeff Lawrence P.E. 3360 EAST VIEW DR. SHINGLE SPRINGS CA 95668 C054303	DATE 1/31/11	DESCRIPTION Freedom Field Ultralight Park 9500 Baseline Road Elverta, CA 95668	TITLE Site Plan	DATE N/A	APPROVED G2
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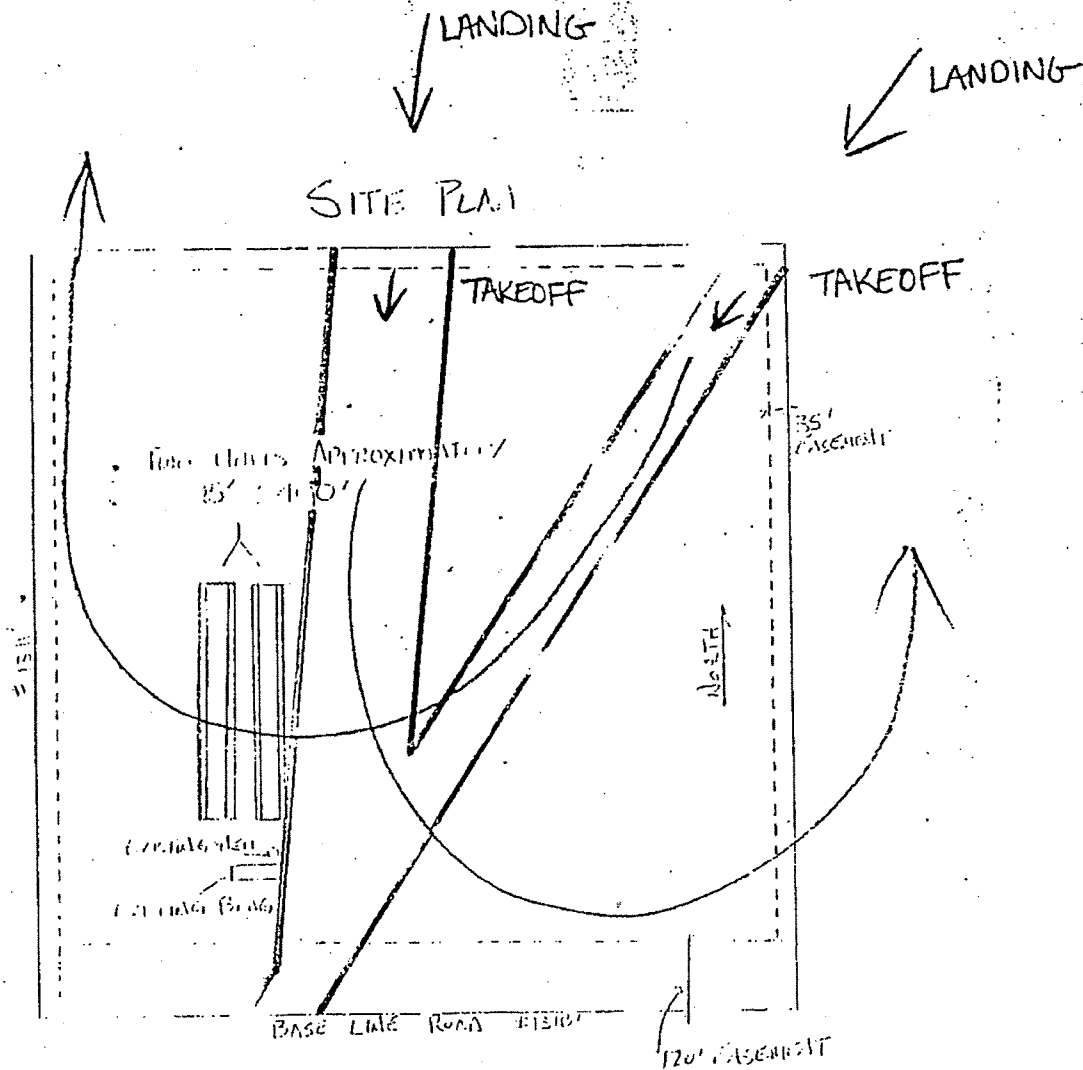
IF THE WINDS ARE OUT OF THE NORTH
AND GREATER THAN 5MPH, THIS
IS THE TAKEOFF PATTERN AND
THE LANDING PATTERN.



FREEDOM FIELD

RAI MELLO
OWNER

IF THE WINDS ARE OUT OF THE SOUTH
AND GREATER THAN 5 MPH, THIS
IS THE TAKEOFF PATTERN AND THE
LANDING PATTERN.



FREEDOM FIELD

PAY MELLO
MAY 1962



**RECOMMENDED REVISED CONDITIONS OF APPROVAL -
CONDITIONAL USE PERMIT - "FREEDOM FIELD
ULTRALIGHT RECREATIONAL PARK" (PCPM 20110041/CUP-
2487)**

THE FOLLOWING CONDITIONS SHALL BE SATISFIED BY THE APPLICANT, OR AN AUTHORIZED AGENT. THE SATISFACTORY COMPLETION OF THESE REQUIREMENTS SHALL BE DETERMINED BY THE DEVELOPMENT REVIEW COMMITTEE (DRC), COUNTY SURVEYOR, AND/OR THE PLANNING COMMISSION.

1. This Permit authorizes an ultralight airport to be developed in two phases. The first phase of the Use Permit will-consisted of the construction of one hangar 25' x 500', on a concrete apron, that was completed in 2001. The second phase of the project (which was approved in January of 2000) will be done within 5-10 years of approval of this Use Permit Modification, and will consist of the second hangar of the same size on a concrete apron. The runways and first hangar exists on the site at the present time. Future applications for additional uses or modification of existing uses may trigger additional requirements and conditions of approval.
 4. On May 12, 2011, the Planning Commission approved a modification to Conditions of Approval #1 and 23 to allow an extension of time for the second hangar to be constructed by 2021 and remove the requirement of a periodic 10-year review. Conditions of Approval #2 and #15 were modified in order to insert current language and # 3 was deleted. The Conditions of Approval were subsequently re-numbered.
2. Freedom Field Ultra-Light Park shall be operated in compliance with Part 103 and Light Sport Aircraft of the Federal Aviation Regulations.
3. Freedom Field Ultra-Light Park shall be allowed to have 2 personal aircraft operated from the premises. Each personal aircraft shall not exceed 800 pounds empty weight.
- 4.3. Prior to Freedom Field Ultra-Light Park being opened for operation, the applicant/operator shall provide the Placer County Planning Department, for review and approval, a set of rules under which Freedom Field will operate. These rules are intended to reduce nuisances to adjoining property owners.

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24. Ultralight aircraft shall operate only from 8:00 A.M. to sunset.
5. Ultralight aircraft shall only land and take off per the attached diagrams.
6. The Ultralight Club shall have a maximum of 40 members before it is necessary for the applicant to modify this Use Permit.
7. All members of the Freedom Field Ultralight Recreation Park shall be required to carry enough liability insurance to cover all mishaps which could result from the flying of ultralight aircraft.
8. The applicant shall be required to provide 10 car-parking spaces on-site, outside of those provided by the hangars.
9. Prior to any construction or moving taking place on-site, the applicant will be required to verify that no jurisdictional wetlands will be affected by the proposed activities. A qualified wetlands biologist will be required to make the determination of whether wetlands exist in a proposed construction area or will be effected by the proposed construction area. If wetlands are to be effected by construction, the applicant will be required to mitigate for them. Mitigation may include, but not be limited to the following:
 - A) Purchase wetland credits from a wetlands bank;
 - B) Avoidance of the wetlands on the subject site.
10. Submit to Environmental Health Services, for review and approval, a water quality analysis report on water from the existing well. The report must be prepared by a State-Certified laboratory and include at a minimum a Bacteriology: Total coliform, fecal coliform, and chlorine residual.
11. The project shall conform to the noise element of the Placer County General Plan and the environmental document.
12. Sanitary facilities for sewage disposal shall be subject to Environmental Health Services review and approval.
13. The applicant shall prepare and submit Improvement Plans, specifications and cost estimates (per the requirements of Section II of the Land Development Manual [LDM] that are in effect at the time of submittal) to the DPW for review and approval. The plans shall show all conditions for the project as well as pertinent topographical features both on- and off-site. All existing and proposed utilities and easements, on-site and adjacent to the

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project, which may be affected by planned construction, shall be shown on the plans. All landscaping and irrigation facilities within the public right-of-way (or public easements), or landscaping within sight distance areas at intersections, shall be included in the Improvement Plans. The applicant shall pay plan check and inspection fees. The cost of the above-noted landscape and irrigation facilities shall be included in the estimates used to determine these fees. It is the applicant's responsibility to obtain all required agency signatures on the plans and to secure department approvals. If the Design/Site Review process and/or DRC review is required as a condition of approval for the project, said review process shall be completed prior to submittal of Improvement Plans. "As built" plans shall be prepared and signed by a California Registered Civil Engineer at the applicant's expense and shall be submitted to the DPW prior to acceptance by the County of site improvements.

ADVISORY COMMENT: Conceptual landscape plans submitted prior to project approval may require modification during the Improvement Plan process to resolve issues of drainage and traffic safety. (SR/CR/MM) (DPW)

14. All proposed grading, drainage improvements, vegetation and tree removal shall be shown on the Improvement Plans and all work shall conform to provisions of the County Grading Ordinance (Chapter 29, Placer County Code) that are in effect at the time of submittal. No grading, clearing, or tree disturbance shall occur until the Improvement Plans are approved and all temporary construction fencing has been installed and inspected by a member of the DRC. All cut/fill slopes shall be at 2:1 (horizontal:vertical) unless a soils report supports a steeper slope and DPW concurs with said recommendation.

The applicant shall revegetate all disturbed areas. Revegetation undertaken from April 1 to October 1 shall include regular watering to ensure adequate growth. A winterization plan shall be provided with project Improvement Plans. It is the applicant's responsibility to assure proper installation and maintenance of erosion control/winterization during project construction. Provide for erosion control where roadside drainage is off of the pavement, to the satisfaction of the DPW.

Submit to the DPW a letter of credit or cash deposit in the amount of 110% of an approved engineer's estimate for winterization and permanent erosion control work prior to Improvement Plan approval to guarantee protection against erosion and improper grading practices. Upon the County's acceptance of improvements, and satisfactory completion of a one-year maintenance period, unused portions of said deposit shall be refunded to the project applicant or authorized agent.

If, at any time during construction, a field review by County personnel indicates a significant deviation from the proposed grading shown on the Improvement Plans, specifically with regard to slope heights, slope ratios, erosion control, winterization, tree disturbance, and/or pad elevations and configurations, the plans shall be reviewed by the

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DRC/DPW for a determination of substantial conformance to the project approvals prior to any further work proceeding. Failure of the DRC/DPW to make a determination of substantial conformance may serve as grounds for the revocation/modification of the project approval by the appropriate hearing body. (SR/CR) (DPW)

15. Provide the DPW-Engineering and Surveying Department (ESD) with a letter from the appropriate fire protection district describing conditions under which service will be provided to this project. Said letter shall be provided to the ESD within 30 days of project approval. Any improvements required by the fire district may require a Grading Permit and/or an encroachment Permit from Placer County, and will be determined by the DRC upon review of the fire district's comments. Any such permit shall be obtained prior to any work commencing. prior to the approval of Improvement Plans, and a fire protection district representative's signature shall be provided on the plans. (CR) (DPW)
16. Construct a public road entrance onto Baseline Road to a Minor Plate 27-1, LDM standard. The design speed of the roadway shall be as specified by the DPW. The improvements shall begin at the outside edge of any future lane(s) as directed by the DPW. An Encroachment Permit shall be obtained by the applicant or authorized agent from DPW. (CR) (DPW)
17. All on-site parking and circulation areas shall be improved with a durable, all-weather surface capable of supporting anticipated vehicle loadings.
ADVISORY COMMENT: It is recommended that the pavement structural section be designed in accordance with recommendations of a soils/pavement analysis and should not be less than 2" AC over 4" Class 2 AB, or the equivalent. (CR) (DPW)
18. An Encroachment Permit shall be obtained from DPW prior to Improvement Plan approvals for any landscaping within public road rights-of-way. (CR) (DPW)
19. **ADVISORY COMMENT:** This project is subject to payment of traffic impact fees as prescribed by the *Placer County Road Network Traffic Limitation Zone and Traffic Fee Program* (Ref. Section 4.22 *Placer County Code*). The current fee is \$2,249 payable prior to issuance of a Building Permit. The actual fee paid will be that in effect at the time of payment. (CR) (DPW)
20. This project is located within a "State Responsibility Area" and, as such, is subject to fire protection regulations established by the State Board of Forestry. Compliance with these regulations shall be evidenced by submittal of a letter from California Department of Forestry (CDF) to the Department of Public Works prior to Improvement Plan

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approval/Building Permit issuance. CC&R's shall include notification to future lot owners that said regulations include provisions applicable to residential construction. (SR/CR) (DPW)

21. The applicant shall, upon written request of the County, defend, indemnify, and hold harmless the County of Placer (County), the County Planning Commission, and its officers, agents, and employees from any and all actions, lawsuits, claims, damages, or costs, including attorneys' fees awarded by a court, arising out of or relating to the processing and/or approval by the County of Placer of that certain development project known as Freedom Field Ultralight Recreational Park (the Project). The applicant shall, upon written request of the County, pay or, at the County's option, reimburse the County for all costs for preparation of an administrative record required for any such action, including the costs of transcription, County staff time, and duplication. The County shall retain the right to elect to appear in and defend any such action on its own behalf regardless of any tender under this provision. This indemnification obligation is intended to include, but not be limited to, actions brought by third parties to invalidate any determination made by the County under the California Environmental Quality Act (Public Resources Code Section 21000 et seq.) for the Project or any decisions made by the County relating to the approval of the Project. Upon request of the County, the applicant shall execute an agreement in a form approved by County Counsel incorporating the provisions of this condition.

21.

22. If any archaeological artifacts, exotic rock (non-native), or unusual amounts of shell or bone are uncovered during any on-site construction activities, all work must stop immediately in the area and a qualified archaeologist retained to evaluate the deposit. The Placer County Planning Department and Department of Museums must also be contacted for review of the archaeological find(s).

If the discovery consists of human remains, the Placer County Coroner and Native American Heritage Commission must also be contacted. Work in the area may only proceed after authorization is granted by the Placer County Planning Department. A note to this effect shall be provided on the Improvement Plans for the project. (SR/CR/MM) (PD)

23. ~~The applicant shall have 24 months that is until January 13, 2002, to exercise t~~This Conditional Use Permit was exercised on July 25, 2001 with the County's final approval of the first hangar. No future reviews for compatability with adjacent uses will be required.(SR/CR)(PD)

~~Once exercised, this Use Permit shall be valid for 10 years from the date of its approval. At that time, the staff shall review the operation for compatibility with adjacent uses that may be existing in 10 years, and then may recommend the use be allowed to continue; in which case, the Planning Commission may authorize another 10-year period of operation (or other time period the Planning Commission may specify).~~

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Freedom Field Ultralight Park Rules

1. Aircrafts shall operate only from 8:00 AM to sunset seven (7) days per week.
2. Aircrafts shall only land and take off in the areas allowed.
3. Freedom Field Ultralight Park Shall be operated in compliance with Part 103 or Sport Pilot Federal Aviation Regulations.
4. All members of Freedom Field Ultralight Park shall be required to carry sufficient liability insurance to cover all mishaps which could result from the flying of aircraft. Freedom Field and Raymond Mello are to be listed as Additional Insured.
5. No commercial operations or businesses are to be operated on Freedom Filed or from within Freed Field's hangers without prior written consent.
6. At no time will anyone be allowed to fly to the immediate south or immediate west of Freedom Filed over the houses adjacent to the air strip.
7. All members will make every effort to fly quietly to ensure courtesy to our neighbors. No buzzing allowed!
8. No permanent storage of flammable materials is allowed except for the fuel that is in the aircraft.
9. There are to be no alterations, modifications or permanent fixtures of the hangers without prior written consent.
10. No unsupervised pets or children are allowed at Freedom Field.
11. A 1000 foot minimum altitude must be kept within a three-mile radius of Freedom Field except during takeoff and landings.

I have read and agree to comply with all rules as listed above. I'm aware that these rules are subject to change.

Signature

Date